



June 6, 2006

HAND DELIVER and E-FILE

Mary L. Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, Massachusetts 02110

Re: Investigation into Compliance with Gate Box Maintenance
and Improvement Requirements, D.T.E. 06-48

Dear Secretary Cottrell:

On May 19, 2006, the Department of Telecommunications and Energy (the "Department") issued an order in the above-referenced proceeding wherein the Department opened an investigation into compliance with the gate box maintenance and improvement requirements of G.L. c. 164, §116B. The Department's order required local distribution companies to submit materials relating to compliance with respect to five (5) distinct areas. The Berkshire Gas Company ("Berkshire" or the "Company") submits its response containing the requested information in the Department's order and provides limited comments with respect to the subject of gate box maintenance and improvement.

The Company has long been committed to making appropriate adjustments and improvements in order to maintain gate box accessibility. The Company seeks to coordinate with state and municipal roadway projects and employ available information in order to make necessary improvements in terms of the implementation of the requirements of G.L. c. 164, §116B. The Company takes an active and comprehensive approach in terms of contacting and coordinating with highway officials and maintaining data with respect to roadway improvement projects within the communities served by Berkshire. These efforts are important not only with respect to gate box maintenance and improvements but also from a pipeline upgrade perspective. The Company believes its efforts are comprehensive, appropriate and cost-efficient. The Company realizes that these activities are important for a variety of reasons. For example, municipalities typically do not issue street opening permits with respect to streets that have recently been repaved. Accordingly, the Company performs many tasks in order to identify and monitor streets that are subject to impending pavement programs. By monitoring these activities, the Company will be able to efficiently and effectively plan for and conduct necessary repairs and improvements.

While the Company regularly inquires and seeks to maintain accurate information with respect to municipal projects, at times the projects are not noticed and proceed without disclosure or without notice to the Company. Berkshire believes that it should rely upon information properly obtained from municipal and state officials and should maintain programs to secure such information.

The Berkshire Gas Company

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An Energy East Company

The Company hereby responds to the specific items requested in the Department's May 19, 2006 order:

1. The Department requested a copy of the relevant portion of the Company's O&M Plan that addresses compliance with the requirements of §116B. Berkshire currently maintains a procedure that addresses and implements a program for compliance with the requirements of §116B. This procedure is provided at Attachment A. This procedure addresses gate box improvements and maintenance with respect to municipal and state paving projects. As stated previously, the Company makes active and comprehensive inquiries to each municipality and the Massachusetts Highway Department to identify, in advance, roadway improvement projects which may involve Company infrastructure. A sample of this communication from 2005 is provided in Attachment B. Berkshire notes that it has been extremely fortunate in obtaining cooperative and responsive replies from most, but not all, municipalities that are served by Berkshire. Attachment C is an example of written responses received with respect to paving projects in this case for 2005. The Company believes this written communication is and continues to be the most appropriate means for tracking municipal roadway improvement projects. The Company is aware, however, that not all paving projects are noticed due to a variety of factors. Accordingly, the Company regularly speaks with municipal officials in the territories that it serves so that it may be called in when additional projects, not posted on these lists, are implemented by specific communities. This supplemental monitoring effort ensures that the Company is able to comply effectively with the requirements of §116B.
2. The Department requested a spreadsheet of service territory streets that were paved in 2005 and the date that gate boxes were made "easily and immediately accessible." Attachment D is an Excel spreadsheet of service territory streets that were paved in 2005 and which indicates the dates in which gate box improvements were completed.
3. The Department requested the relevant portion of Berkshire's O&M Plan that delineates data collection requirements with respect to the compliance of §116B. The procedures the Company utilizes are described in the Company's response to Item 1 above.
4. The Department requested all relevant evidence that Berkshire was in compliance with the requirements of §116B. As noted above, the Company has identified and implemented comprehensive procedures and communications efforts with each municipality that it serves in order to identify and request information with respect to street improvement projects. As a result of the implementation of G.L. c. 164, §116B, Berkshire sent correspondence to all municipalities served by the Company, notifying them as to this new requirement and requesting cooperation. The form letters utilized for this correspondence is provided as Attachment E. Municipalities forward to the Company information or lists identifying those projects which they anticipate for the coming months. Based on the responses, the Company identifies if facilities are located within those streets. Once a project then proceeds to the paving stage, the Company will conduct a site visit to identify whether any valve or gate boxes would be impacted or affected by the project and makes plans for the necessary improvements to ensure that such valves remain accessible. Work orders are then issued to Company crews or contractors to perform the necessary work.

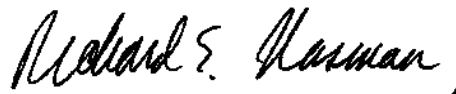
5. The Department's fifth request was to provide evidence that curb valves on service lines are immediately and readily accessible. The Company maintains a reporting process that identifies orders issued with respect to adjustments to gate boxes. This report for the period commencing April 1, 2003 is provided as Attachment F and identifies all service orders created to adjust gate boxes, including adjustment that would not necessarily be attributed to roadway improvement projects. For example, these work orders could relate to a service box adjustment on private property, a customer requesting lowering of a gate box due to private site grading, or similar requirements. As noted, based on the paving schedule received and the valves impacted, the Company executes service orders that it received from the field crews or contractors indicating that the requisite work has been performed. See Attachment G for completed service orders from April 2004 to the present (older service orders have been archived). For each of the streets identified requiring gate box adjustments, a corresponding service order request and service order completion has been provided. The service order request is a document generated by the engineering department to request work be completed as stated. Service orders covering multiple tasks including gate box adjustments may be tracked in other categories. Berkshire believes that it has implemented an appropriate process to ensure that gate box adjustments are made so that the requirements of §116B are satisfied.

Berkshire appreciates this opportunity to comment upon this important issue and is committed to continuing its comprehensive and effective activities in terms of identifying, maintaining and adjusting its gate box facilities in order to satisfy the requirements of c. 164, §116B. Berkshire is committed to continuing to meet its obligations under this requirement, and believes it is appropriate that it continue to rely upon the information provided by relevant municipalities served by the Company.

The Company looks forward to participating in the Department's review in this proceeding. Please feel free to contact me or the Company's counsel, James M. Avery, Esq., Brown Rudnick Berlack Israels LLP, 617/856-8112, if you require further assistance with respect to this matter.

Thank you for your consideration.

Sincerely,


Richard E. Nasman
Director of Operations

/By Jane

Attachment

cc: Williams H. Stevens, Assistant General Counsel, Pipeline Engineering and
Safety Division (w/2 enc via hand delivery)
Christopher Bourne, Director, Pipeline Engineering and Safety Division (w/2 enc via
hand delivery)
James M. Avery, Esq.